

Ohio Senate Local Government and Elections Committee

Testimony of Richard D. Topper

Proponent for SB 258

Good morning, Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and members of the Local Government and Elections Committee. My name is Richard Topper and I am presenting testimony as an interested party for fair and constitutionally drawn districts and am opposed to the map which was submitted as part of Senate Bill 258.

When we were sworn in as lawyers, we agreed to *support* the US and Ohio Constitutions. And as esteemed and well-educated Senators in our great State, all of you took an oath to support both Constitutions. Not just to aspire, not just to follow, but to *support* the Constitution. This includes the 15th, 19th, and 26<sup>th</sup> Amendments which command that the right to vote shall not be denied or abridged on the basis of race or color, sex and to anyone over the age of 18. And to follow Article XIX of the Ohio Constitution regarding Congressional redistricting. And I am hoping that is what we will all do during the next 26 days and draw maps that meet the constitutional requirements of the four-year map by not unduly favoring or disfavoring one party or the other.

First, I'd like to address the splits the districts 54-46 % in favor of Republicans which is part of SB 237 and which should be the division of districts

in SB 258. Both Republican and Democrats sponsors seem that the races to take into consideration are the statewide races occurring in 2012 through 2020.

It is my personal opinion that the most representative year is 2018. That year, three-term Senator Sherrod Brown won by seven percentage points over his Republican opponent in 2018. In a very telling race, Governor DeWine won by less than four percent over his Democratic opponent, Richard Cordray. I believe the statewide races in 2014 are a statistical outlier. Because of the foibles of a Democratic gubernatorial candidate, the turnout was only 2.9 million versus the 4.5 million voter turnout in 2018. Further, Richard Cordray, the 2018 Democratic candidate received 100,000 more votes than the Republican John Kasich did in 2014. Statistically speaking, can you see any study, medical included, that would rely on such data? Be that as it may, including the 2014 races to develop the 54-46% split represents an effort to show good faith in compromising to obtain a 10-year legislative map.

What I would like to focus on with the Congressional map drawing is Franklin County where I live. The map represented in Senate Bill 258 does not meet the standards set forth in the Ohio Constitution for compact districts or for the four-year standard of not unduly advantaging or disadvantaging one political party. The map doesn't even represent a good starting offer for a compromise. Franklin County should have two districts. Diluting the voting power of its citizens by

slicing and dicing sections of the county to include them with the conservative 4<sup>th</sup> and 15<sup>th</sup> Districts violates all standards of compactness and the constitutional advantage/disadvantage requirement.

Let's look at the relevant election results in Franklin County. In 2020, Joe Biden won the county by 64.7% to Donald Trump's 33.4%. In that same year, sixty percent of Franklin County residents voted for Democratic Congressional candidates. Franklin County had similar results in 2012 and 2016. Despite this, the 2011 maps gave Franklin County two Republican congressional representatives and one Democrat. How does this happen? Unconstitutional Congressional district maps that favor unduly Republicans over Democrats. History repeated itself this year with the SB 258 Congressional map.

The 2011 districts gave my Columbus neighborhood Congressman Troy Balderson. His district, the Ohio 12<sup>th</sup>, also includes 5 smaller Republican voting counties. This lopsided Republican friendly district prompted then-Congressional candidate, Troy Balderson to tell folks in his home county, Muskingum, "We don't want someone from Franklin County representing us." This is despite the fact that 34.5% of his constituency is in Franklin County. In three elections in Franklin County, Mr. Balderson's Democratic opponents won 60% of the vote. This large margin was diluted by counties such as Muskingum which Mr. Balderson won with 72% of the vote, similar to that of Donald Trump.

Candidate Balderson's statement and his election margin were not only an indictment of the 2011 redistricting process, it showed that the Zanesville voter would feel disconnected to a Congressional rep from Columbus. People in Zanesville, Mount Vernon, Delaware, Newark, and Columbus deserved better, and they certainly didn't get it with the Republican drawn maps. And I must say that Troy Balderson has little if no interest in the needs and interests of his constituents from Franklin County.

Let's also look at the 15<sup>th</sup> Congressional District which includes the citizens of Grandview and Upper Arlington and the smaller rural counties in southeast Ohio such as Vinton, Perry, Morgan, and Pickaway. This prompted the Congressman Steve Stivers to sarcastically state, "It's not like I wanted Athens County [in my district], believe me."

Compact districts are districts that preserve community boundaries. Districts where people have the same needs and interests. Ohioans have a lot in common, but that doesn't mean their interests and needs are the same. For example, in southeastern Ohio, there is a reliance on fossil fuel, a need for broadband internet, a need for rural highways. In urban counties, there are needs for mass transportation, a different type of infrastructure without reliance on jobs related to fossil fuel, forestry and farming. This shows the need to keep communities together and not split them for the sole purpose of advantaging one party or the

other. Compact doesn't mean driving distance between the counties of a district or a visual perception of small district.

The 2011 Congressional map and the SB 258 map split Franklin County into three districts for one purpose: to dilute the voting power of its Democratic-leaning citizens with heavily Republican rural counties.

The third district is the one Democratic leaning Congressional district with a 56-44% Democratic/Republican split according to Dave's Redistricting.

The fourth district includes six rural western Republican-voting counties, part of Delaware County and a slice of northeastern and central Franklin County communities. I am a resident of the proposed third district. I can drive to the proposed Columbus 4<sup>th</sup> District communities of Beechwold, Clintonville, the OSU campus area, Short North and downtown Columbus, New Albany and minority precincts in five minutes. I share parks, schools, roads, and retail with people in those communities. Many of my friends and colleagues live in this District. From knowing the and from knowing the voter make-up of those communities, I can tell you that they are as disconnected from the fourth Congressman Jim Jordan as can be. If SB 258 as written becomes law, they will feel, and rightfully so, that none of their concerns, needs or interests are being represented in Washington.

By the same token, if a Franklin County resident is elected to represent the fourth district, how would the citizens of Champaign, Allen, Logan, Shelby and Auglaize Counties feel when their interests are much more in line with the counties north, south and west of them. Imagine if the 4<sup>th</sup> District Rep from Franklin County voted against a farm subsidy or a water conservation bill which affected farmers in the region. What you see is that this type of gerrymandering advantages no one.

The Senate 15<sup>th</sup> is a model of dividing communities of interest when it joins Bexley, Whitehall, Gahanna, Reynoldsburg, and Columbus minority communities in Franklin County with ten rural southeast counties which, with the exception of Athens County, voted overwhelming in favor of Donald Trump in 2020. Once again, imagine how the voter in southeast Ohio would feel if their Congressman from Columbus voted against a fossil fuel friendly bill.

The 2011 Congressional District maps which favored Republicans 12-4 left the majority of Ohioans with the feeling that their interests were not being addressed by our Ohio representatives in Washington. With regard to health care. With a tax code favoring the wealthy and corporations over the average Ohioan. With the response to Covid. With regard to what happened to our democracy on January 6. With women's rights and LBGT equality. With minority rights. With social and environmental issues. With infrastructure. Ninety percent of Ohioans believe in reasonable firearm registration laws, yet Ohio's Republican

Congressional reps have yet to back reasonable gun-control legislation despite the mass shooting and murder in the city of Dayton. I don't see things changing with the SB 258 map.

If the legislative majority party cannot work with the minority party to adopt a fair map with Congressional representatives who represent Ohioans as a whole and the majority decides to let this slip into a 4-year plan, the only conclusion to be drawn is that the majority does not wish a debate on issues that affect everyday Ohioans, that the majority does not care about Democrats, Independents and socially liberal Republicans, and that you would rather Ohioans accept the ultraconservative views of a minority.

Since 2004, I've been volunteering in voter protection. I've spent countless hours at the Franklin County early vote center and voting locations on primary and general election days. The four words I've heard voters speak that distress me more than any others are, "My vote doesn't count." If the Ohio General Assembly adopts the Republican map, I guarantee you that you will hear that over and over again.

You have a great opportunity and a responsibility to show us that you can draw fair boundaries to protect voting rights and to *support* the US and Ohio Constitution. It is your job to pay attention to what the voters passed in 2015 and

2018 to accomplish and bring back faith, credibility and fairness to our government, so we never again hear those four words, “My Vote Doesn’t Count.”

Thank you for your time and I’d be happy to answer any questions.